

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

OCT 27 2003 4:59pm

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

Board of Regents, The University of Texas
System, and 3D Systems, Inc.

Plaintiffs,

v.

EOS GmbH Electro Optical Systems,

Defendant.

Civil Action No. A03 CA 113SS

Appendix to Brief

**DECLARATION OF ROBERT W. DICKERSON
IN SUPPORT OF PLAINTIFFS' OPENING *MARKMAN* BRIEF**

I, Robert W. Dickerson, declare as follows:

1. I am a partner with the law firm of Jones Day, counsel of record for plaintiffs Board of Regents, The University of Texas System, and 3D Systems, Inc. in the above-captioned action. I am duly licensed to practice law in the State of California, and have been admitted to this action *pro hac vice*. I have personal knowledge of the facts stated in this Declaration, and I could and would competently testify to the matters set forth below if called upon to do so.

2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 5,639,070 (the “’070 patent”), bearing production numbers ‘070 0001-0015.

3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,597,589 (the “589 patent”), bearing production numbers ‘589 0001-0015.

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4. Attached as Exhibit 3 are true and correct copies of slides 15, 17, 18, 20, 29-31 and 40 that Plaintiffs presented to the Court during the October 17, 2003 technical tutorial hearing.

5. Attached as Exhibit 4 is a drawing that depicts those regions within a part bed that are referred to in plaintiffs' concurrently filed Opening *Markman* Brief as the "Curl Interface" and the "Growth Interface."

6. Attached as Exhibit 5 is a true and correct copy of *Webster's Ninth New Collegiate Dictionary* (1985) at 559 that defines "heat" with the pertinent passage underlined.

7. Attached as Exhibit 6 is a true and correct copy of *Webster's Ninth New Collegiate Dictionary* (1985) at 762 that defines "moderate" with the pertinent passage underlined.

8. Attached as Exhibit 7 is a true and correct copy of *Webster's Ninth New Collegiate Dictionary* (1985) at 434 that defines "exhaust" with the pertinent passage underlined.

9. Attached as Exhibit 8 is chart entitled "Summary of Relevant Statements in the '070 Patent Prosecution History Directed Towards the 'Heating' Phrase Limitation," which sets forth pertinent portions of the '070 patent prosecution history.

10. Attached as Exhibit 9 are true and correct copies of pertinent portions of the '070 patent prosecution history, bearing production numbers '070 0133-0141, '070 0165-0173 and '070 0176-0184.

11. Attached as Exhibit 10 is chart entitled "Summary of Relevant Statements in the '589 Patent Prosecution History Directed Towards the 'Temperature Control Means' Limitation," which sets forth pertinent portions of the '589 patent prosecution history.

12. Attached as Exhibit 11 are true and correct copies of the pertinent portions of the '589 patent prosecution history, bearing production numbers '589 0230-0241, '589 0256-0268, '589 0269-0274, '589 0288-0291 and '589 0302-0307.

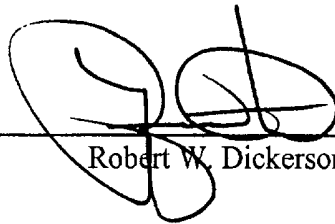
13. Attached as Exhibit 12 is a true and correct copy of U.S. Patent No. 4,247,508 issued to Housholder.

14. Attached as Exhibit 13 is a true and correct copy of U.S. Patent No. 4,818,562 issued to Arcella et al.

15. Attached as Exhibit 14 is a copy of the July 27, 2000 Order in *Crossroads Sys., Inc. v. Chaparral Network Storage, Inc.*, No. A00 CA 217 SS, and *Crossroads Sys., Inc. v. Pathlight Tech., Inc.*, No. A 00 CA 248 SS.

I further declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 27th day of October, 2003 at Los Angeles, California.



Robert W. Dickerson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in the following manner to the following counsel of record on this 27th day of October, 2003.

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EOS GMBH ELECTRO OPTICAL SYSTEMS


ELIZABETH J. BROWN FORE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**NOTICE OF DOCUMENT(S) NOT IMAGED
AND CONTAINED IN EXHIBIT FOLDER**

Civil Case No. A:03-CA-113

Board of Regents, the University of Texas System, and 3D
Systems, Inc.

VS.

EOS GmbH Electro Optical Systems

Attachments to

Document #: 93

Description: Declaration of Robert W. Dickerson in
support of Pltfs' Opening Markman Brief

Filed By: Plaintiffs

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